



# FINDING FOR REASONABLE ACCOMMODATION OF PERSONS WITH DISABILITIES

**Purpose:** The purpose of a finding for "reasonable accommodation" is to allow the City to accommodate the housing needs of persons with disabilities, as required by the U.S. Fair Housing Act, with minimal adverse impact on the community, when their needs cannot be met in strict compliance with City land-use policies.

**Code Reference:** Fremont Municipal Code Title 8, Chapter 2, Article 29.1 (beginning with Section 8022910).

I understand that my plan review may be delayed if required materials are missing from the submittal package.

\_\_\_\_\_  
Project Applicant

\_\_\_\_\_  
Date

## Submittal Requirements:

### NOTE:

- Indicates an item which is always required.
- Indicates an item which may be required, depending on the project. The staff person who provides you this sheet will check (✓) the box if the item is required for your application.

### ■ 1. A completed application form including:

Part I: Project information and the current property owner(s) signature authorizing the project proposal.

Part II Reimbursement Agreement with signature of the billing party acknowledging responsibility for charges.

Part III: A list of all consultants proposed to be involved with the project, or a statement that none are proposed to be involved.

Part IV: A statement signed by the applicant indicating whether the project site is found on the Hazardous Waste and Substances Sites List pursuant to California Government Code Section 65962.5.

Part V: Development Statistics

- 2. Three (3) sets of plans no larger than 11" x 17", collated and folded to a size no larger than 8-1/2" x 11".

The plans shall include the following items:

- a. Vicinity map showing a one-half mile radius of the site(s).
  - b. Accurately dimensioned site plan(s) showing:
    - (1) Property lines.
    - (2) Location, configuration and setbacks of all existing structures on the site(s).
    - (3) Parking, vehicle circulation areas and driveways.
    - (4) All land uses surrounding the project site(s) (or these may be listed on the application form or on a separate sheet).
  - c. Schematic floor plans of any structure(s) involved in the application, indicating all intended uses of each area.
- 3. Three copies of a letter that:
    - a. Describes in detail the proposed operations (and design concept, where applicable);
    - b. States the zoning ordinance provision or other regulation or policy from which accommodation is requested;
    - c. Explains the basis for the claim that the person(s) for whom accommodation is sought is/are considered disabled under the U.S. Fair Housing Act;
    - d. Explains why the accommodation is reasonably necessary to make the specific housing available to the person(s); and
    - e. Provides any additional information or analysis that may facilitate a determination whether the proposal meets the grounds for accommodation set forth in Sec. 8-22915 of the Zoning Ordinance (attached).

- ☐ 6. If any alterations to the structure (interior or exterior) or to the site are required to accommodate the intended residents, you must submit, in addition to the plans described under item 3 above:
- a. Eight (8) sets of full-sized plans, collated and folded to a size NO LARGER THAN 8" x 13" and
  - b. One (1) rolled set of full-sized plans..

Full-sized plans, if required, must include the details required on the plans required under item 3 above and the following additional details:

- i. Elevations of any proposed new structures.
- ii. Schematic landscape plan for new and/or modified landscaping, where applicable.
- iii. Toe of the Hill and Ridgeline, where applicable (indicating Hill Area location).
- iv. Easements on the property.
- v. All fire hydrants within 500 feet of the project site(s).

NOTE: Full-sized plans and sepias submitted should be no larger than 30" x 42".

7. If the project for which the request is being made also requires some other Planning permit or approval, an application for such other permit or approval.

**Incomplete Applications:** An application is considered incomplete if any of the items indicated on this information sheet have not been included. Processing of the application will be delayed until the submittal is determined to be complete.

**Hearing Notification:** The City will notify all property owners, as well as business and residential tenants within the appropriate radius of your project site, unless the project is exempt from a public hearing in accordance with section 8-22913.1 of the Zoning Ordinance (attached). Most projects require a 300-foot radius, while some require 1,000-foot based on the sensitivity of the project and the level of community input anticipated or required.

As with all other costs, you will be billed for staff time to research, create and label the required postcards. If the public hearing is delayed for an extended period of time after notices for your project have been mailed, you will be charged the cost to re-mail postcards.

**Schedule Time Line:** A complete application for reasonable accommodation will generally be acted on within one month at, or shortly after, a public hearing before the Community Development Director (or his or her designee).

**Appeals of Staff Action:** The City Council considers appeals of the Development & Environmental Services Director's action. Appellants must file any appeal in writing with the City Clerk within ten calendar days of the City (a) announcing the determination in the presence of the applicant or his or her authorized representative or (b) depositing in the mail written notification of the action. For information regarding appeals to the City Council, contact the Office of the City Clerk, 3300 Capitol Avenue, Fremont, CA 94538, phone (510) 284-4060.

Requirements described on this sheet are subject to change. If you need additional information or clarification regarding your submittal please contact the staff person who furnished you this sheet for further assistance.

Information sheet furnished by: \_\_\_\_\_ Phone: (510) 494- \_\_\_\_\_

for proposal: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

## **GROUND FOR ACCOMMODATION**

The following is the text of Sections 8-22913.1, 8-22915, and 8-22919.

### **Sec. 8-22913.1. Reasonable Accommodation Public Hearing Exemptions.**

The provisions of section 8-22913 shall not apply to requests for reasonable accommodation for the following:

- (1) Yard area encroachments for ramps, handrails, or other such accessibility improvements;
- (2) Hardscape additions, such as widened driveways, parking area or walkways that result in noncompliance with required landscaping or open space area provisions;
- (3) Building addition(s) at the minimum extent strictly for accessibility accommodation that result in building setback encroachments;
- (4) Reduced off-street parking where the disability clearly limits the number of persons operating vehicles;
- (5) Any other modification or exception that the development and environmental services director finds, pursuant to the requirements set forth in section 8-22915, is similar in nature, function or operation to permitted development allowed in this section.

### **Sec. 8-22915. Grounds for Accommodation.**

In making a determination regarding the reasonableness of a requested accommodation the following factors shall be considered:

- (a) Special needs created by the disability;
- (b) Potential benefit that can be accomplished by the requested accommodation;
- (c) Potential impact on surrounding uses;
- (d) Physical attributes of and any proposed changes to the subject property and structures;
- (e) Alternatives which may provide an equivalent level of benefit;
- (f) Whether the requested accommodation would impose an undue financial or administrative burden on the City;
- (g) Whether the requested accommodation would require a substantial alteration in the nature or effect of a City program or policy;

- (h) Whether the requested accommodation would result in a concentration of uses otherwise not allowed in a residential neighborhood to the substantial detriment of the residential character of that neighborhood;
- (i) Whether the requested accommodation is consistent with the Fair Housing Act;
- (j) Any other factor that may have a bearing on the request.

**Sec. 8022919. No accommodation for persons convicted of unlawful manufacture or distribution of controlled substances.**

Persons who have been convicted of the unlawful manufacture or distribution of controlled substances shall not be allowed to reside in any residence for which a reasonable accommodation has been granted under this article.